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Dated: November 3, 2008 Signature: /Mark D. Russett/
Mark D. Russett, Reg. No. 41,281

Docket No.: 62069DIV2 (51590)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
G. Pasternak et al.

Application No.: 10/823,365

Confirmation No.: 4859

Filed: April 13, 2004

Art Unit: 1617

For: TOPICAL ANESTHETIC/OPIOID
FORMULATIONS AND USES THEREOF

Examiner: K.R. McMillian

RESPONSE TO FINAL OFFICE ACTION
(FILED WITH REQUEST FOR CONTINUED EXAMINATION)

Dear Sir:

Applicants are in receipt of the final Office Action dated November 2, 2007 (the "Office Action"), and now submit this response. Further to the Notice of Appeal filed April 2, 2008, a request for extension of time (through and including November 3, 2008, as November 2, 2008, was a Sunday) and a Request for Continued Examination are being filed herewith in lieu of an appeal brief. This paper is believed to be timely filed. Please consider the remarks that follow:

REMARKS/ARGUMENTS begin on page 2 of this paper.